

EXHIBIT 1

Deposition of Plaintiff



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Transcript of Darius Kimbrough

Date: September 14, 2020

Case: Kimbrough -v- Sentz, et al.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

- - - - - x

DARIUS KIMBROUGH, :
 Plaintiff, :
 v. :
TYLER SENTZ, et al., :
 Defendants. :

- - - - - x

DEPOSITION OF DARIUS KIMBROUGH
Baltimore, Maryland
Monday, September 14, 2020
2:00 p.m.

Job No.: 321318
Pages: 1 - 145
Reported By: Debi Pearce

1 Deposition of DARIUS KIMBROUGH, held at the
2 offices of:

3
4 PLANET DEPOS - BALTIMORE
5 100 East Pratt Street, Suite 2560
6 Baltimore, Maryland 21202
7 888.433.3767

8
9 Pursuant to notice, before Debi Pearce, Notary
10 Public in and for the State of Maryland and the
11 Commonwealth of Virginia.

1 A P P E A R A N C E S

2

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13 ON BEHALF OF DEFENDANTS DETECTIVE TYLER SENTZ,
14 OFFICER JONATHAN VAN CURAN, AND
15 OFFICER RYAN PERRY:

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1 P R O C E E D I N G S
2 DARIUS KIMBROUGH,
3 HAVING BEEN FIRST DULY SWORN/AFFIRMED, WAS
4 EXAMINED AND TESTIFIED UNDER OATH AS FOLLOWS:
5 EXAMINATION
6 BY MR. CHRISTOPHER C. JEFFRIES:
7 Q Good afternoon, sir. Can you please state
8 your name for the record.
9 A Darius Marvious [ph] Kimbrough.
10 Q Mr. Kimbrough, I introduced myself to you
11 off the record. I'll introduce myself to you on.
12 My name is Chris Jeffries, I represent some of the
13 defendants in the lawsuit that you filed, okay?
14 A Uh-huh.
15 Q Can you hear me okay?
16 A Uh-huh.
17 (Whereupon, an off-the-record discussion
18 occurred.)
19 BY MR. JEFFRIES:
20 Q So there is a court reporter who's sitting
21 across from me, and she is sitting to your right,
22 okay?

1 A Okay.

2 Q She's taking down everything we say, so
3 there's a couple of rules that are very important
4 to follow. Okay? The first one, you've got to
5 give verbal responses because she can't take down
6 a shake of the head, and "uh-huh," or "huh-huh."

7 A All right.

8 Q That's the hardest rule, I promise.

9 The second thing that both of us have to
10 do the best we can, and she's already asked, is,
11 keep our voices up so she can hear, okay?

12 A Okay.

13 Q I'm going to be asking you a series of
14 questions, okay?

15 A Okay.

16 Q If you don't understand one of my
17 questions, just tell me, all right?

18 A (Witness nods head up and down.)

19 Q Is that okay?

20 A Okay.

21 Q If you do answer my question there's two
22 things that are going to flow from that, okay?

1 A Okay.

2 Q The first is, that you understood my
3 question; and, second is that you're answering
4 truthfully, as you've taken an oath to do, okay?

5 A Okay.

6 Q Only one of us needs to talk at a time,
7 okay?

8 A Okay.

9 Q This isn't a memory test. If you don't
10 know the answer to one of my questions, just tell
11 me.

12 A Okay.

13 Q If you need a break, just tell me. All I
14 ask is that if I'm in the process of asking you a
15 question, let me finish asking, you may answer,
16 and then we can take a break.

17 A Okay.

18 Q Did you do anything to prepare for today's
19 deposition?

20 A Yes.

21 Q Okay. Tell me what you did.

22 A Made it here.

1 (Court reporter requests clarification.)

2 BY MR. JEFFRIES:

3 Q Did you do anything to prepare for this
4 deposition?

5 A Yes.

6 Q What did you do?

7 A Make it here on time.

8 I don't really understand a question like
9 that.

10 Q Okay, I'll rephrase my question. Did you
11 review any documents --

12 MR. RADNER: You've got to speak more
13 clearly. I couldn't hear what you said.

14 MR. JEFFRIES: Can you hear me okay,
15 counsel?

16 MR. RADNER: Yeah, I can hear you great.

17 Darius, you've got to speak a little bit
18 more clearly and a little louder, okay?

19 THE WITNESS: Okay.

20 MR. RADNER: That's awesome.

21 BY MR. JEFFRIES:

22 Q I'm going to ask my question again, okay?

1 A Okay.

2 Q Did you do anything to prepare for today's
3 deposition?

4 A Yes.

5 Q What did you do?

6 A I'm going to say it again, I really don't
7 understand the question, sir.

8 Q Did you review any documents in
9 preparation for today's deposition?

10 A No.

11 Q Did you speak to your attorney in
12 preparation for the deposition?

13 A Yes.

14 Q Okay. Did you speak to anyone else in
15 preparation for the deposition?

16 A No.

17 Q Do you have any documents relating to this
18 case that you haven't given to your attorney?

19 A No.

20 Q Do you have any medical records related to
21 the case?

22 A Yes, but I already gave that to him.

1 Q You gave that to him.

2 And when did you do that?

3 A I think it was June.

4 Q "June"?

5 A Yeah. June.

6 Q How did you provide those records?

7 A I went to the hospital and got them.

8 Q Okay. What hospital did you go to?

9 A Johns Hopkins Hospital.

10 Q And what did you do with the records?

11 A I sent them all to him. I faxed them.

12 Q You "faxed "them?

13 A Yeah.

14 Q Approximately, how many pages of records
15 were there; do you know?

16 A It was like eight; a couple of pages, like
17 eight.

18 Q Eight pages?

19 A Yeah, eight pages.

20 Q Make sure to keep your voice up.

21 A Okay.

22 Q Do you have any other medical records

1 relating to this case?

2 A No.

3 Q Where are those documents now?

4 A My lawyer has them.

5 Q Right. Did you retain a copy?

6 A Yes.

7 Q And do you have those documents?

8 A No.

9 Q Where are they?

10 A They told me not to bring nothing.

11 Q No, no. I understand that.

12 Where are the documents, physically?

13 A In my house.

14 Q Okay. What's your current address?

15 A 2027 Jubilee Court.

16 Q "Jubilee"?

17 A G-U-B-I-L-E-E, [sic] Court.

18 Q What city?

19 A Baltimore, Maryland.

20 Q And for how long have you resided at

21 2027 Jubilee Court?

22 A Since March.

1 Q Since "March"?

2 A Yes.

3 Q Where did you live before that?

4 A In North Carolina.

5 Q Where in North Carolina?

6 A Walkertown, North Carolina.

7 Q "Walkertown"?

8 A Yeah, 4888 Oak Branch Lane, Walkertown,
9 North Carolina.

10 Q And for how long did you live there?

11 A Two years.

12 Q Where were you residing before Walkertown?

13 A 1603 West Pratt Street.

14 Q And how long did you live at 1603 West
15 Pratt?

16 A I think it was, like, two years, too.

17 Like two years.

18 Q Where did you reside before that?

19 A 1511 West Lexington Street.

20 Q How long did you live at 1511 West
21 Lexington Street?

22 A I think it was about a year and a half --

1 a year and a half to two.

2 Q Who lived there with you?

3 A My mother, and my sister, and my siblings.

4 Q Your mother and your sister?

5 A My mother, and my siblings, and my
6 grandmother.

7 Q And your mother's name is Katrina [ph]?

8 A Yeah.

9 Q And, what are your sister's names?

10 A Miracle Cook.

11 Q "Miracle"?

12 A Yeah, Miracle Cook [ph].

13 Q Her last name is "Cook"?

14 A Uh-huh.

15 Q Is that, "Yes"?

16 A "Yes."

17 Q Any others?

18 A Kiara Fulton.

19 Q "Kiara Fulton"?

20 A Yes.

21 Q Any others?

22 A Demetri [ph] Kimbrough.

1 Q That's your brother, right?

2 A Yes.

3 Q Okay. Did Demetri live with you at 1511?

4 A Yes.

5 Q And did anyone else live with you, that
6 you haven't told me about, at 1511?

7 A My grandmother, Barbara Davis. Oh, yeah,
8 Shalip Fulton [ph] too. He lived there.

9 Q Are you related to Mr. Fulton?

10 A Brother-in-law.

11 Q "Brother-in-law"?

12 A Yes.

13 Q Which of your sisters is married -- which
14 of your sisters is he married to?

15 A Kiara Fulton.

16 Q Did you live with those same people
17 throughout the time that you were living at
18 1511 West Lexington?

19 A Yes.

20 Q Who do you live with now at Jubilee Court?

21 A I live with a roommate.

22 Q I'm sorry?

1 A "A roommate."

2 Q A roommate?

3 A Yes.

4 Q What's your roommate's name?

5 A Nehemiah Woodward.

6 Q I'm sorry, I didn't catch that.

7 A Nehemiah Woodward.

8 Q "Woodward"?

9 A Yeah, N-E-H-E-M-I-A-H, and Woodward.

10 Q Thank you. When was the last time you
11 were in North Carolina?

12 A This morning. I got here this morning.

13 Q You got here this morning?

14 A Yeah.

15 Q Where were you staying?

16 A My mother's house.

17 Q And that's in Walkertown?

18 A Yes.

19 Q How often do you stay there?

20 A I was only there for a week. I just went
21 there just to see her, but that's it.

22 Q So you're normally in Baltimore?

1 A Yes.

2 Q Okay. Separate and apart from any e-mails
3 that you may have exchanged with your lawyer, do
4 you have any e-mails about this case?

5 A My e-mail?

6 Q Yes, do you have any e-mails about this
7 case?

8 A Yes.

9 Q Are they e-mails to your attorney?

10 A Yes.

11 Q Are there any other e-mails?

12 A No.

13 Q Same question: Do you have any text
14 messages about this case?

15 A No.

16 Q Any pictures?

17 A No.

18 Q Any other documents of any sort?

19 A No.

20 Q Okay. It sounded, when I asked you about
21 pictures, you said, "No," and then it sounded like
22 you started to say something else.

1 A What do you mean, "documents"?

2 Q Do you have any piece of paper about this
3 case?

4 A No.

5 Q Other than Mr. Radner, who have you spoken
6 with about this case?

7 A There was some other attorneys, I don't
8 know the names.

9 Q Other than an attorney, who have you
10 spoken with about this case?

11 A Nobody.

12 Q "Nobody"?

13 A No.

14 Q Have you ever spoken to your mother about
15 the case?

16 A No.

17 Q How about your grandmother?

18 A No.

19 Q How about your brother?

20 A No.

21 Q How about Mr. Fulton?

22 A No.

1 Q Never?

2 A No.

3 Q Okay. Separate from the case, the lawsuit
4 that you filed, have you spoken to either of those
5 people -- any of those people about the incident
6 for which you've filed your lawsuit?

7 Do you understand my question?

8 A No.

9 Q All right. So you filed a complaint -- a
10 complaint was filed on your behalf. You filed a
11 lawsuit, right?

12 A Uh-huh.

13 Q Is that a "yes"?

14 A "Yes."

15 Q And I asked you questions about whether
16 you talked to anybody other than your attorneys
17 about that lawsuit, right?

18 A Yes.

19 Q And you said, "No"?

20 A Yes.

21 Q That lawsuit arises from an instance.
22 Something happened, correct?

1 A Correct.

2 Q All right. So now what I'm asking is not
3 specifically about the lawsuit, but about the
4 incident. Have you spoken with anybody about the
5 incident, other than an attorney?

6 A Nobody.

7 Q So you never spoke to your mother about
8 the incident?

9 A No.

10 Q Never spoke to your grandmother?

11 A No.

12 Q Never spoke to your brother?

13 A No.

14 Q Never spoke to your sisters?

15 A No.

16 Q And never spoke to Mr. Fulton?

17 A No.

18 Q Do you remember the day and the year of
19 the incident that we're here to talk about?

20 A August 14th, 2015.

21 Q I'm sorry?

22 A The day? The day of the accident?

1 Q Yes, what was the date?

2 A August 14th, 2014.

3 Q So August of 2014?

4 A (Nods head up and down.)

5 Q Okay.

6 THE COURT REPORTER: I didn't get that
7 response.

8 THE WITNESS: Yes.

9 (Whereupon, an off-the-record discussion
10 occurred.)

11 BY MR. JEFFRIES:

12 Q Have you reviewed a copy of the complaint
13 that was filed in your behalf in this case?

14 A No. Like the date -- people say the wrong
15 date, but I know that's the day it happened. But
16 they say it happened on the 9th, but I remember it
17 being the 14th.

18 Q You remember it being the 14th?

19 A Yes.

20 Q Okay. Do you remember what day of the
21 week it was?

22 A I don't remember, I just know my birthday

1 was coming up in a week.

2 Q Your birthday is August 21st, right?

3 A Yes.

4 Q Have you ever given a deposition before?

5 A No.

6 Q That's usually one of the first questions
7 I ask. All right.

8 I don't mean anything by it, I ask it of
9 every witness: Are you currently under the
10 influence of anything that would impact your
11 ability to testify truthfully here today?

12 A Yes.

13 Q "Yes"?

14 A "Yes."

15 Q Okay. What are you taking?

16 A I don't take nothing. I just smoked,
17 that's all.

18 Q Okay. When did you last smoke?

19 A Yesterday.

20 Q Okay. What did you take?

21 A I didn't take nothing.

22 Q What did you smoke?

1 A Marijuana.

2 Q Let me ask you -- I'm going to ask my
3 question again, and you tell me -- you answer it,
4 okay? I just want to make sure it's clear.

5 Are you currently under the influence of
6 anything that would impact your ability to testify
7 truthfully?

8 A No.

9 Q How often do you use marijuana?

10 A Occasionally.

11 Q Okay. You used it yesterday. When did
12 you use it before yesterday?

13 A A couple of days before that.

14 Q "A couple of days before that," and when
15 had you used it before?

16 A Same thing. I just do it occasionally. I
17 don't do it often.

18 Q Throughout the course of a month, how
19 often do you use marijuana?

20 A Three times a week.

21 Q "Three times a week"?

22 A Yes.

1 Q Okay. For how long have you been using
2 marijuana three times a week?

3 A Since I was 18.

4 Q Okay. And you are how old now?

5 A Twenty-one.

6 Q Did you use it before you were 18?

7 A No.

8 Q Have you always used it with the same
9 frequency, about three times a week?

10 A Yes.

11 Q How much do you smoke when you smoke?

12 A A blunt.

13 Q So you smoke three blunts a week?

14 A Yes.

15 Q More, less?

16 A Less. Three blunts.

17 Q Okay. Have you ever gone by any nicknames
18 or any other name?

19 A No.

20 Q Your date of birth is 8/21 of...?

21 A Of 1999.

22 Q Thank you. How tall were you at the time

1 of this incident; do you know?

2 A No.

3 Q How much did you weigh?

4 A Like, probably, 150.

5 Q How tall are you now?

6 A Like 6'3", and I weigh 198.

7 Q Where were you born?

8 A In Baltimore, Maryland.

9 Q Are you single?

10 A Yes.

11 Q That was emphatic.

12 Do you have any children?

13 A No.

14 Q What's your educational background?

15 A I'm still in high school. I'm going to a
16 GED program.

17 Q You're in a GED program?

18 A I'm going to start one.

19 I'm going to start a program, a GED
20 program.

21 Q So you're not currently enrolled in one?

22 A No.

1 Q Where is the GED program?

2 A I ain't found one yet. I'm still looking.

3 Q Okay. What was the last grade in school
4 that you attended?

5 A Eleventh and 12th. I had some 11th grade
6 and some 12th grade classes.

7 Q Where?

8 A Bluford Drew Jemison.

9 Q I'm sorry, I can't hear you.

10 A "Bluford Drew Jemison."

11 Q Where is that?

12 A In Baltimore, Maryland.

13 Q Can you spell it?

14 A Bluford, the school?

15 Q Yes, please.

16 A B-L-U-F-O-R-D, Drew, D-R-E-W, Jemison,

17 J-E-M-I-S-O-N --

18 Q Got it.

19 A -- Academy.

20 Q "Academy"?

21 A Uh-huh.

22 Q Is that a "yes"?

1 A "Yes."

2 Q All right. And which grades did you
3 attend there?

4 A Ninth, 10th, and 11th, and some 12th.

5 Q Ninth, 10th, and 11th.

6 A And some 12th, and then I went to Harbor
7 City.

8 Q You went to "Harbor City"?

9 A Yes.

10 Q Why did you switch from Bluford to Harbor
11 City?

12 A Because I needed some more credits. More
13 credits, so I had to switch high schools.

14 Q Does Bluford go through 12th grade?

15 A Yes.

16 Q I'm sorry, I'm just not understanding.

17 A I went there so I could graduate on time.

18 Q You went where so you could --

19 A Harbor City. That's why I went to Harbor
20 City. Harbor City is an alternative school.

21 Q What do you mean by "alternative school"?

22 A If you dumb, if you can't get all your

1 credits by the time you graduate, you can go there
2 and get them.

3 Q So you -- by the time you're supposed to
4 graduate, meaning by the age you graduate?

5 A Uh-huh.

6 Q So by the time --

7 A "Yes."

8 Q Thank you. So by the time you were
9 supposed to graduate from high school, you were
10 short some credits?

11 A Yes.

12 Q And, as a result of that, you left Bluford
13 Drew and you went to Harbor City?

14 A Yes, then I left Harbor City and I went to
15 [inaudible].

16 Q Why did you leave Harbor City?

17 A We relocated.

18 Q Your family relocated?

19 A Yes.

20 Q And do you know why your family moved?

21 A My mom wanted new scenery.

22 Q Your mom wanted "new scenery"; is that

1 what you said?

2 A Yes.

3 Q All right. Did you enroll in school in
4 North Carolina at all?

5 A No.

6 Q When you were in high school at Bluford
7 Drew, did you have any behavioral issues or
8 anything?

9 A No.

10 Q Never suspended, or anything like that?

11 A Yes. But --

12 Q What were you suspended for?

13 A Fighting.

14 MR. RADNER: Relevance.

15 BY MR. JEFFRIES:

16 Q Can you tell me when?

17 How old you were, is what I'm asking.

18 A I was in 11th grade, so 17.

19 Q Did that suspension have anything to do
20 with you leaving Bluford Drew?

21 A No.

22 Q I'm sorry?

1 A "No."

2 Q Any other issues, any other behavioral
3 issues in school?

4 A No.

5 Q How were your grades in school at Bluford?

6 A Bs and Cs.

7 Q "Bs and Cs"?

8 A Yes.

9 Q What grade -- this incident occurred in
10 the summertime. What grade were you going to be
11 entering in the fall?

12 A This fall? I mean --

13 Q Let me ask you a better question. This
14 incident was in August of 2014. What grade were
15 you going to be entering --

16 A The ninth.

17 Q All right.

18 A Freshman in high school.

19 Q Thank you. And this is one of those
20 deposition rules, if you can let me finish asking
21 my question before you answer.

22 A Okay.

1 Q That's okay. So you were going to be
2 entering the ninth grade in August/September of
3 2014?

4 A Yes.

5 Q And it was the ninth grade at Bluford?

6 A Yes.

7 Q All right. Have you ever repeated any
8 grades?

9 A No. I mean, yes.

10 Q What grades did you repeat?

11 A Second grade.

12 Q Second grade. Do you recall why?

13 A Behavior.

14 Q I'm sorry, I didn't year you.

15 A "Behavior."

16 Q "Behavior." Have you had any other
17 behavior problems in school?

18 A No.

19 Q To your knowledge.

20 A No.

21 Q Okay. So you repeated second grade. That
22 was the only grade, and you were going to go into

1 ninth grade at Bluford Drew, correct?

2 A Yes.

3 Q All right. Do you have a driver's
4 license?

5 A No.

6 Q Do you know how to drive?

7 A Yes.

8 Q When did you first learn to drive?

9 A April 2019.

10 Q I'm sorry?

11 A "April 2019."

12 Q You never knew how to drive a car before
13 then?

14 A No.

15 MR. RADNER: What was the date? I'm
16 sorry.

17 THE WITNESS: April. Sometime in
18 April 2019.

19 MR. RADNER: 2019. Okay. Got it. Sorry.
20 Go ahead.

21 MR. JEFFRIES: That's okay.

22 BY MR. JEFFRIES:

1 Q Do you have a learner's permit?

2 A No.

3 Q Have you ever applied for one?

4 A No.

5 Q Are you on social media at all?

6 A Yes.

7 Q Do you have any social media postings
8 about this case?

9 A No.

10 Q What forms of social media are you on?

11 A Facebook and Instagram.

12 Q Anything else?

13 A No.

14 Q What's your Facebook name?

15 A Darius Kimbrough.

16 Q And how about Instagram?

17 A 4500WAWG.

18 Q 4500W- --

19 A AWG.

20 Q Since you've reached the age of 18 and had
21 the opportunity to be represented by counsel, or
22 waived that right, have you been convicted of any

1 crimes?

2 A No.

3 Q Have you filed any other lawsuits in the
4 past?

5 A No.

6 Q Have you ever been sued before, to your
7 knowledge?

8 A No.

9 Q Have you ever asserted any claims?

10 A No.

11 Q Never been in a car accident or anything
12 like that?

13 A Yes.

14 Q As a result of being in a car accident, do
15 you know whether any claim was asserted on your
16 behalf?

17 A Not that I'm aware of.

18 Q I'm sorry?

19 A No.

20 Q "No, "you don't know, or, "no," you
21 haven't?

22 A I don't know.

1 Q Have you ever been injured in a car
2 accident?

3 A Not really. There might have been an
4 accident.

5 Q As a result of that accident, did you
6 complain of any injuries?

7 A No.

8 Q When did it occur?

9 A Between last -- like 2013.

10 Q 2013?

11 A Around that time.

12 Q Can you tell what happened.

13 A The police was pursuing a car, and the car
14 sideswiped a couple of cars as it went by.

15 Q You said the police were "pursuing a car"?

16 A Uh-huh.

17 Q Is that "yes"?

18 A "Yes."

19 Q And, I'm sorry, you tailed off at the end
20 and I couldn't hear what you were saying. The
21 police were pursuing the car --

22 A And the car had ran into the car I was in

1 and a couple other cars.

2 Q The car that was being pursued ran into a
3 car that you were in?

4 A Yeah, and a couple other cars.

5 Q And what happened to you as a result, if
6 anything?

7 A Nothing.

8 Q Nothing happened.

9 Where did that accident occur?

10 A Baltimore.

11 Q Can you be more specific; do you know
12 where in Baltimore?

13 A Belair Road and Parkside Drive.

14 Q Who were you with?

15 A My mother.

16 Q Anybody else?

17 A No.

18 Q Are you working, currently?

19 A No.

20 Q When was the last time you've been
21 employed?

22 A Like a week ago.

1 Q "A week ago"?

2 A Yes.

3 Q Were you working, at all, at the time of
4 this incident?

5 A What?

6 Q Were you working, at all, at the time of
7 this incident?

8 A No.

9 Q Are you currently employed?

10 A No.

11 Q Where were you working?

12 A Shasta.

13 Q Sorry?

14 A The last job I had was Shasta.

15 Q Can you spell that.

16 A Shasta, S-H-A-S-T-A, beverages.

17 Q What were you doing with them?

18 A Machine operator.

19 Q What does a "machine operator" do?

20 A It was a soda factory, so the soda cans
21 come down the line, you make sure the cans don't
22 mess up in the machine.

1 Q And where is the company?

2 A Moravia.

3 Q Where?

4 A "Moravia."

5 Q And how long were you employed there?

6 A For a couple weeks.

7 Q And why did your employment end?

8 A False information.

9 Q What do you mean by that?

10 A The supervisor gave me wrong information
11 and got me fired.

12 Q And what kind of information did he give
13 you?

14 A He told me that I was fired, but I wasn't.
15 He got me mixed up with another employee, so when
16 I went to work, he told me I'm off, so I went
17 home. And I called the company and they was like,
18 He was looking for me; but he told me to go home,
19 and he was the manager.

20 Q Where did you work before Shasta?

21 A Walmart, in North Carolina.

22 Q "Walmart, in North Carolina"?

1 A Yes.

2 Q And how long did you work there?

3 A Eight months.

4 Q And did you work anywhere before Walmart?

5 A FedEx.

6 Q And where did you work at FedEx?

7 A North Carolina.

8 Q And how long were you there?

9 A Like, five months.

10 Q And anywhere before FedEx?

11 A No. I was working a job at the same time
12 around FedEx. I was working Diane Food [ph].

13 Q Giant Food?

14 A Diane Foods. I meant Deans Food. It's a
15 milk factory.

16 Q It's a "milk factory"?

17 A Yes.

18 Q And how long were you there?

19 A About seven months.

20 Q Anywhere before that?

21 A Popeye's, Baltimore, Maryland; and UPS,
22 Baltimore, Maryland.

1 Q When did you work for UPS?

2 A 2018.

3 Q Did you work at all before 2018?

4 A 2017, at Popeye's. Popeye's was 2017, and
5 then I went to UPS.

6 Q Sorry, I didn't mean --

7 A No, that was it.

8 Q So Popeye's was your first employment?

9 A Yes.

10 Q And how long were you there?

11 A Seven months.

12 Q And why did you leave?

13 A Better opportunities.

14 Q I'm sorry?

15 A "Better opportunities."

16 Q And you went from there to UPS?

17 A Yes.

18 Q And how long were you at UPS?

19 A I was there for, like, two months, and
20 then I went to North Carolina.

21 Q Okay. And then you worked -- when you got
22 to North Carolina, you worked for Deans Food?

1 A That, and FedEx.

2 Q And, at Deans Food, you were there for
3 seven months?

4 A Yeah.

5 Q And why did you leave there?

6 A Better job.

7 Q What were you doing at Deans Food?

8 A Production.

9 Q What does that mean?

10 A I was working -- I was working the
11 machine.

12 Q Working a machine?

13 A Yeah, with the milk jugs.

14 Q And, then, you were working at FedEx,
15 correct?

16 A Yes.

17 Q And what did you do for FedEx?

18 A I moved -- package handling.

19 Q Package handling?

20 A Yes.

21 Q Were those all full-time jobs?

22 A (Nods head up and down.)

1 Q Is that a "yes"?

2 A "Yes."

3 Q You went to work at Walmart from FedEx.

4 Why did you leave FedEx?

5 A I wanted some more hours.

6 Q What?

7 A "Some more hours."

8 Q "More hours"?

9 A Yeah, I needed more hours, so I went to
10 work for Walmart.

11 Q You worked at Walmart. You worked there
12 for eight months.

13 When you worked at Walmart, what were you
14 doing?

15 A I was stocking.

16 Q "Stocking"?

17 A Yes.

18 Q How much time did you have between when
19 you were working for Walmart, and when you started
20 working for Shasta?

21 A I started working for Shasta a couple of
22 weeks ago. I stopped working at Walmart in August

1 of last year.

2 Q August of 2019?

3 A (Nods head up and down.)

4 Q Is that "yes"?

5 A "Yes."

6 Q What were you doing for the period between
7 when you weren't working for Walmart and when you
8 started at Shasta?

9 A Nothing.

10 Q How did you support yourself?

11 A I saved up money.

12 Q Saved up money from what?

13 A The jobs I was working.

14 Q I'm sorry?

15 A The jobs I was working.

16 Q Where were you living in that period of
17 time?

18 A From Walmart?

19 Q Yes.

20 A Walkertown.

21 Q Walkertown. Okay.

22 Were you living with your mother?

1 A Yes.

2 Q All right. I want to talk to you about --
3 let's start with the date of the incident,
4 generally, okay?

5 A Okay.

6 Q So what do you remember before the actual
7 incident itself; what were you doing during the
8 day?

9 A I was outside during the day.

10 Q Was this a weekday, or weekend; do you
11 remember?

12 A No.

13 Q What were you doing outside?

14 A Riding a bike.

15 Q When do you recall starting to ride your
16 bike?

17 A Around midnight when it started to get
18 dark.

19 Q I'm sorry?

20 A Around midnight, when it started to get
21 dark.

22 Q My question is: When do you recall

1 starting to ride your bike?

2 A What do you mean?

3 Q So I thought I asked you what you recall
4 doing on the date of the incident, but before the
5 incident happened; and you said you were outside,
6 right?

7 A Yes.

8 Q All right. And you said you were riding
9 your bike?

10 A Yes.

11 Q And what I was asking is: When did you
12 start riding your bike?

13 A Around 6:00.

14 Q 6:00 at night?

15 A Yeah, 6:00.

16 Q What kind of bike did you have?

17 A I don't remember.

18 Q Do you know the make?

19 A I know it was a mountain bike.

20 Q Do you remember the make?

21 A No.

22 Q How long had you had it?

1 A It wasn't even my bike. It was my
2 cousin's bike.

3 Q What's your cousin's name?

4 A Olushala.

5 Q I'm sorry, I couldn't hear you.

6 A "Olushala."

7 Q Can you spell it.

8 A I don't even know how to spell it myself.

9 Q It's "Olushala"?

10 A I think, O-L-U-S-H-A-L-A.

11 Q Was Olushala -- am I saying it correctly?

12 A Yeah, "Olushala."

13 Q Was Olushala with you on the day of the
14 incident?

15 A No.

16 Q How long had you had his bike -- is it a
17 man or woman?

18 A Who?

19 Q Is it a man or woman?

20 A Man.

21 Q How long had you had his bike?

22 A For a couple of days.

1 Q Where did Olushala live at the time of the
2 incident?

3 A I don't know.

4 Q Did you live in the city?

5 A Yeah. He lived in Baltimore.

6 Q He lived in...?

7 A Baltimore.

8 Q He lived in the city?

9 A Yeah. Yes.

10 Q What were you -- what do you recall doing,
11 if anything, before 6:00 p.m.?

12 A Sitting outside. Sitting outside. I was
13 outside the whole day.

14 Q After 6:00, who was with you?

15 A Alex.

16 Q What's Alex's last name?

17 A Courtney.

18 Q How do you know Alex?

19 A He was my neighbor.

20 Q I'm sorry?

21 A Neighbor.

22 Q Do you still speak to Alex?

1 A From time to time.

2 Q When's the last time you spoke to him?

3 A A couple of months back.

4 Q How did you get in touch with him?

5 A Instagram.

6 Q What's his name on Instagram?

7 A I would have to look.

8 Q Okay. Do you -- do you have his phone
9 number?

10 A No.

11 Q Do you have your phone on you?

12 A Yes.

13 Q Would that give you -- this shows what I
14 know, would that give you access to Instagram?

15 A Yes.

16 Q Before we end today, would you be able to
17 give me his Instagram?

18 A Yes.

19 Q Who else was with you, other than Alex,
20 after 6:00 that day?

21 A It was just me and him taking turns riding
22 the bike.

1 Q Taking turns riding the bike?

2 A Yes.

3 Q And where did Alex live at the time of the
4 incident; do you know?

5 A Right across the street from me.

6 Q Do you know the address?

7 A 1508; something like that, because I live
8 at 1511.

9 Q Where does Alex live now -- where does
10 Mr. Courtney live now; do you know?

11 A No.

12 Q So it's after 6:00. You and Alex are
13 taking turns riding a bike.

14 Where are you riding?

15 A In front of my house.

16 Q Just on Lexington Street?

17 A Yes.

18 Q Anywhere else?

19 A No.

20 Q And how long were you doing that?

21 A Until the incident.

22 Q I didn't hear you.

1 A "Until the incident."

2 Q So you were outside the entire time?

3 A Uh-huh.

4 Q Is that a "yes"?

5 A Yes.

6 Q All right. Was anybody at your house at
7 this time?

8 A My sister -- well, my brother-in-law, my
9 grandmother, and my brother.

10 Q So --

11 A Shalip Fulton, Demetri Kimbrough, and
12 Barbara Davis.

13 Q They were present -- were they present
14 from 6:00 on?

15 A Yes.

16 Q Did you have dinner?

17 A Not that I remember -- oh, my mother was
18 going to get dinner.

19 Q Your mom was going to get dinner, so your
20 mom was home as well?

21 A No, she went to get dinner, and when she
22 came back, the incident was going on.

1 Q But your mother left from the house to get
2 dinner?

3 A Yes.

4 Q So at some point after 6:00, she was home?

5 A No.

6 Q She was never home?

7 A No.

8 Q Okay.

9 A She was gone that whole day, and she was
10 coming back to get food. She was coming to bring
11 food to the house.

12 Q Where was she coming from; do you know?

13 A No.

14 Q Okay. So your mom was out?

15 A Yes.

16 Q Did she come home and go back out, or was
17 she out and was going to get food and then came
18 home?

19 A Yeah, get food and come home.

20 Q Okay. What time in the evening was the
21 incident; do you remember?

22 A It had to have been like 8:00 or 9:00.

1 Q What were you wearing on that day; do you
2 remember?

3 A Shorts and a shirt. Shorts and tank top.

4 Q Tank top?

5 A Yes.

6 Q White tank top?

7 A Yes.

8 Q Do you recall what color the shorts were?

9 A Between black and blue.

10 Q Dark color; is that fair?

11 A Yeah. Dark color.

12 Q What was the -- do you remember what
13 Mr. Courtney was wearing?

14 A Most likely the same thing. We always
15 were playing basketball in our neighborhood, so
16 probably shorts and shirts.

17 Q Can you describe Mr. Courtney for me.

18 A Light skin. He was skinny at the time.
19 He's not skinny now. He was little chubby at the
20 time.

21 Q He was a little heavier at the time?

22 A No, he was small, like my size, at the

1 time.

2 Q Okay. So you said "light skinned."
3 Lighter than you?

4 A Yes.

5 Q Lighter than me?

6 A Yes.

7 Q How tall?

8 A Like a 5'7" or 5'8".

9 Q Any idea how much he weighs?

10 Weighed at the time, to be clear.

11 A No.

12 Q Your size, smaller, or bigger?

13 A He was smaller.

14 Q Smaller than you were at the time of the
15 incident?

16 A Yes.

17 Q And you said you were about 150?

18 A Yes.

19 Q More than 125?

20 A Right around that, like 130.

21 Q Got it. Okay.

22 Well, tell me -- take me through it.

1 Tell me what happened.

2 A I was outside, riding a bike with me and
3 Alex, and I seen a car come past my house, which I
4 was outside around the time. I seen them right in
5 front of my house.

6 Q May I -- as we're doing this, I'd like to
7 show you a map and have you mark on that where you
8 were; is that all right?

9 A All right.

10 (Whereupon, the above-referenced document
11 was marked as Exhibit No. 1.)

12 (Documents passed.)

13 MR. RADNER: Whatever he's marking, can
14 you mark it as an exhibit?

15 MR. JEFFRIES: Yeah, I have. It's a
16 Google satellite.

17 MR. RADNER: I think the way I did it was
18 more creative and more fun.

19 MR. JEFFRIES: Noted.

20 (Laughter.)

21 MR. RADNER: A moment of levity.

22 BY MR. JEFFRIES:

1 Q So Mr. Kimbrough, you -- you have in front
2 of you Exhibit No. 1.

3 A I already marked it.

4 Q You marked it?

5 A Yes.

6 Q Okay. And what did you mark it with, and
7 what does that mean?

8 A What do you mean?

9 Q You said you already marked it, so what is
10 the mark that you put on the paper?

11 A Where I was located.

12 Q And, specifically, where you were located
13 at what time?

14 A Around 6:00 or 7:00. I was in front of my
15 house the whole day.

16 Q May I see it?

17 (Document passed.)

18 Q Okay. So there are --

19 A (Indiscernible.)

20 Q There are two --

21 THE COURT REPORTER: (Requests
22 clarification.)

1 A I wasn't going that far. So I went from
2 that far, to that far (indicating).

3 Q So there are two marks on this paper, on
4 Exhibit No. 1, on the intersection -- excuse me,
5 on West Lexington Street.

6 Why don't you mark them for me, one as
7 "A," and the other as "B."

8 A (Complies.)

9 Q So you were between points "A," and "B,"
10 on Lexington Street?

11 A Yes.

12 Q That's where you were on the evening of
13 this incident?

14 A Yes.

15 Q So you were testifying. You told me, I
16 think, you saw a car?

17 A Yes.

18 Q Where was the car?

19 A On Lexington.

20 Q Which way was it traveling on Lexington?

21 A Coming down this way (indicating), and
22 turn.

1 Q So the court reporter is taking it down.
2 I can see you moving your hands, but the record is
3 not going to show us. So can you show me where,
4 on Exhibit No. 1, you saw the car, and show me
5 which way it was traveling.

6 A This is where I seen him come from, and
7 this is when he ended up at (indicating).

8 Q So you have marked an arrow going from
9 Lexington and the intersection of North Gilmor
10 Street --

11 A Yes.

12 Q -- to Lexington --

13 A Stricker.

14 Q -- and the intersection of Stricker --

15 A Yes.

16 Q -- and then making a left on Stricker; is
17 that correct?

18 A Yes.

19 Q Okay. Can you mark that -- mark the
20 beginning of where you started drawing, with "C1."

21 A "C1," and "C2"?

22 Q Correct. So "C2," at the end.

1 A (Complies.)

2 Q Okay. Can you describe the car that you
3 saw.

4 A I know it was a Dodge. I don't know what
5 kind of Dodge, though.

6 Q Do you recall what color it was?

7 A No, it was coming so fast, I ain't -- it
8 was coming so fast.

9 Q Two door, or four door?

10 A It was four.

11 Q And it's coming from the direction of
12 Gilmer. You said it was "coming fast." Describe
13 what you saw it doing.

14 A Like it was racing, that's how fast he was
15 going. He made the left and that was it.

16 Q Made the left on Stricker?

17 A Yeah, made the left on Stricker, and that
18 was it right there (indicating).

19 Q Was there anybody else outside on
20 Lexington at this point, with you, that you know
21 of, other than Alex?

22 A It was just me and him.

1 Q I'm sorry, I didn't hear you.

2 A "It was just me and him."

3 Q Just the two of you.

4 A Everybody else was at the basketball court
5 at that time.

6 Q All right. So you saw this Dodge?

7 A Yes.

8 Q Was it dark, or light outside?

9 A It was dark.

10 Q It was dark out?

11 A Yes.

12 Q Were the streetlights on?

13 A Yes.

14 Q How was the lighting? Do you remember the
15 light outside 1511 West Lexington that night?

16 A You said the "lighting"?

17 Q The lighting, yes.

18 A What do you mean by that?

19 Q Generally, were you able to see with the
20 street lights? Was it dark, or light?

21 A It was dark.

22 Q Were there streetlights?

1 A Yes.

2 Q So you and Alex are still outside and
3 riding this bike. Where are you in relation to --
4 in relation to the actual street; are you in the
5 street?

6 A Yes.

7 Q So you're --

8 A But I was off the bike by the time the
9 incident happened. I wasn't riding the bike
10 during that time.

11 Q So where were you when you saw the car,
12 when you saw the Dodge?

13 A I was standing on the curb by my house.

14 Q Standing on the curb by your house?

15 A Yes. A couple of doors down. I was on
16 the curb a couple houses down.

17 Q "A couple houses down"?

18 A Yes.

19 Q So were you on the even, or odd side of
20 the street?

21 A I was on the odd.

22 Q And when you say "a couple houses down," a

1 "couple houses down," towards Stricker, or, "a
2 couple houses down," towards Gilmor?

3 A Stricker.

4 Q And where was Alex?

5 A Same side as me.

6 Q Where was the bike?

7 A Same side as me on the side where I was
8 at.

9 Q Was it with you?

10 A Yes.

11 Q So the two of you, no one else is on the
12 street?

13 A No one else.

14 Q You see the Dodge go by. What was it --
15 you said it was "racing"?

16 A Not racing, but, like, it was going fast
17 like they were trying to get away.

18 Q Okay. And what happened next?

19 A They made the left on Stricker, and that
20 was it.

21 Q Okay. Was there any car behind it?

22 A No.

1 Q So there was never another car?

2 A That's how fast it was going, there was no
3 car behind it.

4 Q All right. So this Dodge turns left on
5 Stricker, and then what happened?

6 A I didn't see nobody.

7 Q I'm sorry, I didn't catch that.

8 A Once they made the left, the police came a
9 couple seconds later.

10 Q Okay. Where did the police come from?

11 A The same way they come from.

12 Q The same way the car came from?

13 A Yes.

14 Q All right. Did you see the police car?

15 A No. I didn't see it until I got to the
16 house. Until I got in my house -- I was going to
17 my house. After the scene already happened, I was
18 going in the house. I got upstairs and I turned
19 around, and there was a couple of them in my
20 house.

21 Q All right. So you and Mr. Courtney are
22 standing on the odd side of the street where you

1 told me you were standing?

2 A Yes.

3 Q You saw the Dodge come racing by and make
4 a left on Stricker?

5 A Yes.

6 Q How far up Stricker did it go; do you
7 know?

8 A Right by the school.

9 Q "Right by the school"?

10 A Yes.

11 Q On Exhibit No. 1, where you've marked
12 "C2," is that where it stopped?

13 A Yeah. Yes.

14 Q That is where it stopped?

15 A Yes.

16 Q So did you see anything -- when it
17 stopped, did you see anything then?

18 A No.

19 Q All right. And so -- but you saw it stop?

20 A Yes. No. No. But after that, the car
21 stopped around the corner, and as I was going in
22 the house, that's where the police were coming at.

1 Q Okay. If you didn't see it stop, how do
2 you know where it stopped?

3 A Because that's where they turned at, and
4 that's where the police were after the scene.

5 Q I didn't hear you, that's what?

6 A That's where they turned at. That was it.
7 They turned.

8 Q They turned left onto Stricker?

9 A Yes.

10 Q How do you know -- if you didn't see the
11 car actually stop on Stricker, how do you know it
12 stopped on Stricker?

13 A It was on Stricker.

14 Q The last place you saw it was on Stricker?

15 A Yes.

16 Q Did you see it stop on Stricker?

17 A When I was in the -- back when I was in
18 the car with the police, I seen the car on down
19 the street.

20 Q Okay. So what you're saying is, that you
21 saw this car turn left onto Stricker Street?

22 A Yes.

1 Q And when it turned, what did you do?

2 A I went and started going in my house.

3 Q Okay. So it turned, you went back to your
4 house?

5 A Yes.

6 Q You didn't actually -- at that point, you
7 didn't see where it stopped; is that correct?

8 A Yes.

9 Q All right. Okay. And how did you get
10 back to your house?

11 A I walked.

12 Q You walked?

13 A Yes.

14 Q Before you got into your house, did you
15 see any police?

16 A No.

17 Q Did you see the police car before you got
18 into your house?

19 A No.

20 Q Did you see any other car, other than the
21 Dodge, before you got in your house?

22 A No. Well, the cars parked in front of the

1 house, but that's it.

2 Q How many cars were parked out there?

3 A I know it was -- well, my side had a
4 garage. On the other side, they didn't have a
5 garage, so probably, like, eight cars right there
6 on the side.

7 Q Okay. So let me just make sure I
8 understand. After you saw the Dodge, did you see
9 any other car following that Dodge?

10 A No.

11 Q Okay. But there were cars parked --

12 A Yes.

13 Q -- on West Lexington?

14 A Yes.

15 Q Is Lexington two ways at the 1500 block?

16 A Yes.

17 Q Two-way street?

18 A It's a two-way street, yes.

19 Q So you're walking back to your house.

20 What's the next thing that happens?

21 A I tripped up the steps, and I knocked
22 something over because I tripped, and I was

1 getting ready to see what it was, and they was
2 coming in my front door.

3 Q All right. So --

4 MR. JEFFRIES: Mark this.

5 (Whereupon, the above-referenced document
6 was marked as Exhibit No. 2.)

7 BY MR. JEFFRIES:

8 Q I'm showing you what's been marked as
9 Deposition Exhibit No. 2.

10 Do you see 1511 West Lexington Street on
11 Exhibit No. 2?

12 A Mark it?

13 Q Yes. Would you mark it, please.

14 A I'm trying to think. Mark it as what?

15 Q You can mark it with an X.

16 A That wasn't like that before I moved.

17 Q I'm sorry, what?

18 A I just had a hard time, because the
19 background is different from before.

20 Q It looks different?

21 A Yeah.

22 Q How so?

1 A This garage was not that color.

2 Q The garage is a different color?

3 A Yeah. That's the house, though.

4 Q That's the house?

5 A Because I don't -- this is the house right
6 here (indicating), but the garage was changed.

7 All of that wasn't like that before.

8 Q Okay. But that's the house, and those are
9 the windows?

10 A Yes.

11 Q And it had a garage?

12 A Yes.

13 Q It's just a different color?

14 A Different color.

15 Q So in this picture, you put an "X" on the
16 second house on the far right in Exhibit 2; is
17 that correct?

18 A Yes.

19 Q All right. So where was Alex as you were
20 walking back to your house?

21 A I don't recall. He was still right there.
22 I know I was walking home.

1 Q Did he walk back?

2 A "Walk back," where?

3 Q Did he walk towards your house?

4 A No, he lived across the street. He lived
5 right across the street.

6 Q Okay. Did he walk home?

7 A Yes.

8 Q All right. Did you hear anybody say
9 anything to you before you got inside?

10 A No.

11 Q Do you know if anybody said anything to
12 you before you got inside?

13 A No.

14 Q You don't know?

15 A No, I don't know.

16 Q Okay. So you got to your house. Was your
17 door open?

18 A Yes. The screen door was always open the
19 whole time because I was outside. The screen door
20 was closed and the front door was open.

21 Q The screen door was closed, and the front
22 door was open?

1 A Yes.

2 Q So the screen door was closed, and what
3 happened next?

4 A I was going up the steps.

5 Q When I come in your house --

6 A You come in the front door, there's a
7 garage door right here, and then you go straight
8 down was the laundry room, and my grandmother and
9 my brother was in that room. And the stairs right
10 here by the front door, you go up the stairs, and
11 Shalip was upstairs in the kitchen (indicating).

12 Q Okay. So there's the front door, there's
13 a hallway --

14 A A hallway, and the garage door on the
15 right side.

16 Q Okay. And on the left-hand side --

17 A Is the stairs going upstairs.

18 Q Is there a landing and, then, the stairs?

19 A No, when you walk in the front door,
20 there's a place right there, like a walkway, and
21 the stairs are right there.

22 Q Okay. So you walk in the door, you turn

1 left, and you go up the steps?

2 A No, the steps are on the left side, and
3 the garage door on the right side. So when you
4 first walk in the door, you go to the left a
5 little bit and go up the stairs.

6 Q I see. So you open the door and you go
7 inside?

8 A Yes.

9 Q And you started to go up the steps; is
10 that what you said?

11 A Yes.

12 Q Keep going from there.

13 A Once I tripped up the steps and turned
14 around, I turned around and there was a couple of
15 them coming in the house and telling me to get on
16 the ground.

17 Q You "tripped" up the stairs, you said?

18 A Yes.

19 Q And you "turned around"?

20 A Once I turned around, I noticed they were
21 coming in the house.

22 Q Okay. What did you see when you turned

1 around?

2 A Cops.

3 Q Okay. How many officers did you see?

4 A It was about five of them.

5 Q Can you describe them?

6 A No. It's been a minute.

7 Q I'm sorry, I couldn't hear you.

8 A "No. It's been a minute."

9 Q Can you tell me anything about them?

10 A No.

11 Q Were they in uniform?

12 A Yes.

13 Q All of them?

14 A Yes.

15 Q Did you hear them say anything to you
16 before you turned around?

17 A No.

18 Q Do you know whether they did say anything
19 to you?

20 A No.

21 Q So you don't know one way or another?

22 A I didn't even know they were there until I

1 turned around and they were coming in.

2 Q What did you trip on?

3 A I had a bucket of juice on the floor and
4 they were on the steps.

5 Q You had what on the floor?

6 A I had a bucket of juice. I had a cup
7 right there on the steps, and when I was running
8 up the steps, I tripped over the cup. That's what
9 made me turn around.

10 Q Where, on the steps, was the cup?

11 A The bottom of the steps. Right before you
12 step, at the bottom.

13 Q So you tripped at the very bottom?

14 A Yes.

15 Q And, then, did you get back to your feet?

16 A No, I just started crawling up. Because I
17 turned around as I was crawling up, I turned
18 around and saw the police started coming through
19 the door.

20 Q And, then, you said you saw five officers,
21 all in uniform, in the house?

22 A Yes.

1 Q How big is the entrance area to the house?

2 A It's very small. It's not that big.

3 It's not that big.

4 Q Where were those officers standing?

5 A The front door. They was coming -- the
6 front door is right there, and the stairs were
7 directly right there.

8 Q Were they in the house, or were they at
9 the door?

10 A There were in the house.

11 Q Well, where were they all standing?

12 A I didn't make it all the way up the steps.
13 I probably made it, like, four or five steps, and
14 they was right there trying to bring me down the
15 steps, pull me down the steps.

16 Q Did you say anything?

17 A I asked them what was going on, and they
18 were telling me to get on the ground and all that
19 stuff.

20 Q You said, "What's going on."

21 Did you say anything else?

22 A No.

1 Q Did the officers say anything to you,
2 other than, Get on the ground?

3 A There were pulling me down the steps, and
4 I was asking what's going on, and my grandmother
5 came out and asked the same thing. And they
6 grabbed my brother. And, then, my sister's
7 husband was upstairs cooking, and he came
8 downstairs, and they -- my sister's husband came
9 downstairs because he was in the kitchen, and I
10 guess he heard them trying to get me, and he came
11 downstairs. And my brother and my grandmother was
12 in the laundry room, so they was right there, so
13 they weren't too far from the scene.

14 (Discussion off the record.)

15 BY MR. JEFFRIES:

16 Q All right. So you trip. You're on the
17 steps, and you turn around?

18 A Yes.

19 Q You see the officers, you see the police,
20 and you said, What's going on, something along the
21 line, that's what you said to them?

22 A Yes.

1 Q And you said someone said, Get on the
2 ground?

3 A Yes.

4 Q And you're still on the steps at this
5 point?

6 A Yes.

7 Q And you're trying to go up the steps?

8 A No.

9 Q What are you doing?

10 A I was holding on the railing because he
11 was pulling me by my feet, by my legs. I was
12 holding on, so I won't --

13 Q What were you holding on to?

14 A The railing, the side of the railing.

15 Q You were holding on to the --

16 A The banister.

17 Q You were holding on the banister?

18 A Yes.

19 Q Were you trying to get up the stairs?

20 A No, I was trying to catch myself from them
21 pulling me down the steps.

22 Q Okay. How far up the steps were you at

1 this point?

2 A Maybe five or six steps.

3 Q Is that about halfway up, or less?

4 A That's about halfway.

5 Q About halfway up, okay.

6 And you were holding onto the banister?

7 A Yes.

8 Q What were the officers doing?

9 A Trying to pull me down the steps.

10 Q How?

11 A By my feet -- by my legs. They had my
12 legs and I finally let go. They got me down and
13 tried to slam me in the front.

14 Q Okay. How many officers were pulling your
15 feet; do you know?

16 A Maybe one or two.

17 Q "One or two"?

18 A Yes.

19 Q Can you describe any of them?

20 A (No response.)

21 Q Can you describe them?

22 A White officers. That's all. I just know

1 -- that's all I know.

2 Q Do you know whether it was one, or whether
3 it was two?

4 A It was one.

5 Q "It was one"?

6 A Yes.

7 Q So there were five officers in, but one
8 officer at your feet; is that correct?

9 A Yes.

10 Q And what did that officer do, just pulled
11 your feet?

12 A Yes. He tried -- when I was holding on,
13 he was trying to get me to come downstairs; and I
14 finally let go, and once they got me, they tried
15 to slam me right there.

16 Q So the officer -- when you were holding
17 onto the banister, did the officer do anything
18 other than pull your feet?

19 A No.

20 Q How long were you on the stairs before you
21 were at the bottom of the stairs?

22 A Not even like a minute. Not even a

1 minute. As soon as I was ready to go upstairs, I
2 turned around and they were coming in the door.

3 Q Okay. So 30 seconds?

4 A It happened so fast, I didn't -- it
5 happened so fast.

6 Q It could have been faster than 30 seconds?

7 A No, it was probably about 30 seconds.
8 Probably 30 seconds.

9 Q So an officer is pulling your feet, and
10 you're holding on the banister, and you let go?

11 A Yes.

12 Q And you come to the bottom of the steps?

13 A Yes.

14 Q And are you standing?

15 A Yes.

16 Q And then what happened?

17 A My brother came out, and my grandmother
18 came out.

19 Q Were your brother and grandmother in the
20 same room; as far as you know?

21 A Yes. They was in the laundry room.

22 Q Okay. And the laundry was, when I

1 go in --

2 A You come in the front door, you have the
3 garage doors, and where she's sitting
4 (indicating) --

5 Q Where the reporter is?

6 A Yeah, and the police was like -- where the
7 TV is at, that's where the laundry room is at
8 (indicating).

9 Q Okay. When they came out of the laundry
10 room, where were you?

11 A By the front door.

12 Q And what's the next thing that happened?

13 A My sister's husband came from upstairs.

14 Q And that's Mr. Fulton?

15 A Yes.

16 Q Okay. What happened next?

17 A They started to ask questions.

18 Q Who started to ask questions?

19 A My grandmother and my sister's husband.

20 Q And when your grandmother and your brother
21 came out of the laundry room, you were standing in
22 front of the steps -- you were standing by the

1 door?

2 A Yes.

3 Q And when Mr. Fulton started asking
4 questions, where were you?

5 A I was still by the front door. They were
6 trying to get me out of the house, and my
7 grandmother was asking what was going on; and
8 then, finally, we went to outside and they put me
9 on ground.

10 Q Okay. So what do you recall your
11 grandmother saying when you were in the house?

12 A (Inaudible.)

13 THE COURT REPORTER: (Requests
14 clarification.)

15 A What is all this for? What's going on?

16 THE WITNESS: I apologize.

17 Q Do you recall her saying anything else?

18 A No.

19 Q What about Mr. Fulton; what do you recall
20 him saying, if anything, while you were in the
21 house?

22 A Same thing.

1 Q What about your brother, did he say
2 anything?

3 A Yes.

4 Q What do you recall your brother saying?

5 A It was cussing words.

6 Q Who was he cursing at?

7 A The officers.

8 Q What was he saying; do you know?

9 A A lot of bad stuff.

10 Q What do you recall him saying?

11 I appreciate it, but what do you recall
12 him saying?

13 A Do you want me to say it?

14 Q Yes.

15 A The "B" word, and stuff like that.

16 Q What do you recall -- I appreciate your
17 being polite, but what do you recall your brother
18 actually saying?

19 A "Bitch," and stuff like that.

20 Q Yelling at the officers?

21 A Yes.

22 Q And what else do you recall him yelling?

1 A That's all. It was different cuss words.

2 Q Do you recall him saying anything other
3 than cursing?

4 A That's it.

5 Q He was just cursing?

6 A Yes.

7 Q Not asking why you were there, he was just
8 cursing?

9 A Just cursing.

10 Q And, all this time, you're still inside,
11 correct?

12 A Yes. And they finally took me outside,
13 and when they took me outside, they put Shalip in
14 cuffs and they put my brother in cuffs with me.

15 Q So when you were inside, did you hear any
16 of the police officers say anything to you or your
17 grandmother or your brother?

18 A I don't remember what they said, but they
19 were saying stuff to them. But I don't remember
20 what they were saying.

21 Q Okay. Can you describe the officer or
22 officers that were speaking?

1 A No, I don't know. That's how --

2 Q I'm sorry, I couldn't hear you.

3 A No.

4 Q All right. How many officers were inside
5 at this point?

6 A Five.

7 Q You're saying "five. " Okay.

8 And were you standing with one officer?

9 A There was a couple of them that grabbed
10 me, they grabbed me and roughed me and all that.

11 Q How were they grabbing you?

12 A By my clothes, and by my neck, and stuff
13 like that.

14 Q How were they holding you?

15 A One was on my shirt, trying to get me to
16 get on the ground and all that. But they were
17 trying to slam me, so they would forcibly grab me,
18 and I let go.

19 Q You "let go." Where were you?

20 A I just stopped resisting. They were
21 trying to slam me, and I didn't want them to slam
22 me and stuff like that.

1 Q And this was in the house?

2 A Yes.

3 Q So the officers were trying to get control
4 of you and you were "resisting"?

5 A Yes.

6 Q So the officers were trying to get
7 control, you're resisting. You stop resisting,
8 and then what happens?

9 A I get to the ground.

10 Q Where?

11 A Outside.

12 Q So they took you out of the house?

13 A Yes.

14 Q All right. And where -- what happened?

15 A Through the house, straight to the ground.

16 Q How?

17 A Forcibly.

18 Q Can you explain what happened.

19 A Like, they put me on the ground, put my
20 hands behind my back. Two of them on me. One was
21 on my neck area, and one was pinning me down.

22 Q How -- so how did you go to the ground?

1 A They took me and grabbed me.

2 Q Explain to me what happened, please.

3 A They told me to get on the ground. I got
4 on the ground. Once I got on the ground, they put
5 my hands behind my back and all that. Two of them
6 were on me.

7 Q So the officer told you to get on the
8 ground and you got on the ground?

9 A Yes.

10 Q So they didn't physically take you to the
11 ground; they asked you to get on the ground, and
12 you got on the ground?

13 A Yes.

14 Q All right. So the officer asked you to
15 get on the ground, and you get on the ground?

16 A Yes.

17 Q And what was the next thing the officer
18 said?

19 A I don't remember that. I don't remember.

20 Q Okay. What's the next thing you remember
21 happening?

22 A I was on the ground, and two officers was

1 pinning me down.

2 Q How were they holding you?

3 A One was holding me by my back area, and
4 one was holding me around my neck area.

5 Q How, physically, were they holding you?

6 A Physically.

7 Q How? What were they doing?

8 A My face was pinned to the ground.

9 Q I didn't hear you.

10 A I was pinned to the ground, like they were
11 forcibly holding me to the ground, tight. I
12 couldn't move.

13 Q You said one was on your back, and you
14 said one was --

15 A Like, one was holding my legs and all
16 that, and one was up to the top.

17 Q How were your legs being held?

18 A I was laying face flat. I was laying on
19 my stomach.

20 Q Okay. How were your legs being held?

21 A They were holding down by my ankles.

22 Q By your "ankles"?

1 A Yes.

2 Q Were you trying to kick your legs?

3 A No.

4 Q Okay. So there's one officer to your
5 legs; can you describe that officer?

6 A No.

7 Q And where was the other officer,
8 physically?

9 A He was like right here (indicating). He
10 was holding my neck. My neck was pinned to the
11 ground like this, so I really can't move.

12 Q So he was holding your neck?

13 A Yes.

14 Q He had his hand by your neck?

15 A Yes.

16 Q And it was just his hand?

17 A Yes.

18 Q And the other officer was holding your
19 legs. Was he just using his hands?

20 A Yes.

21 Q And then what happened?

22 A I was on the ground for a minute.

1 Q Now, I know people say "a minute."
2 How long were you on the ground; do you
3 know?

4 A I was on the ground until they got me.
5 Probably, like, since the scene started.
6 Probably, like, 30 minutes; like they had me for a
7 minute.

8 Q Were you in handcuffs?

9 A No -- yes, I was in handcuffs.

10 Q When were you put in handcuffs?

11 A Once I got on the ground, they put me in
12 handcuffs.

13 Q Once you got on the ground. And, then,
14 when did you get off the ground?

15 A When they put me in the back of the paddy
16 wagon.

17 Q How were you -- you were transported from
18 the scene, obviously. How?

19 A First, it was -- first they were going to
20 lock me and my brother up. But they let him go,
21 and they let Shalip go. And they took me out of
22 the paddy wagon and they put me in one of the cop

1 cars, and I sat there over five minutes. And
2 then...

3 Q All right. So there's an officer that was
4 holding your feet, and an officer holding the back
5 of your head, your neck; is that what you're
6 saying?

7 A Yes.

8 Q Did they do anything other than hold you?

9 A No.

10 Q That was it?

11 A They just had me pinned to the ground.

12 Q Can you describe any of those officers?

13 A No.

14 Q Okay. Can you tell me, were they in
15 uniform, black, white -- anything?

16 A Black.

17 Q Those two officers were black?

18 A No, you said what color uniform, or skin
19 complexion?

20 Q Skin complexion.

21 A White.

22 Q "White." Were they in uniform?

1 A Yes.

2 Q Did those officers say anything to you?

3 A As far as what?

4 Q Do you remember either of those officers
5 saying anything to you?

6 A I don't remember.

7 Q There was an officer that had your feet
8 when you were holding onto the bannister, correct?

9 A Yes.

10 Q Was that one of the officers that also
11 detained you outside?

12 A I don't remember which cop it was. I
13 don't know none of these faces; I don't remember
14 none of them.

15 Q So you don't know, one way or another?

16 A No.

17 Q All right. So you were handcuffed. What
18 kind of handcuffs were you placed in; do you know?

19 A The hard ones, metal.

20 Q Metal handcuffs?

21 A Yes.

22 Q Do you recall being told you were under

1 arrest at any point?

2 A I can't remember.

3 Q Okay. Do you remember saying anything to
4 the officers?

5 A I asked them what was going on.

6 Q Other than -- other than that -- because I
7 think you told me about that -- do you remember
8 them saying anything else?

9 A That's it. That's all I remember.

10 Q You said you were physically resisting
11 them when they were trying to take control of you?

12 A Yeah, down the steps.

13 Q And, then, after that, when you were still
14 in the house, you were still resisting?

15 A No, I wasn't.

16 Q What were you doing?

17 A They were standing there, arguing with my
18 brother, and they finally took me outside and all
19 that, pinning me to the ground, and put the
20 handcuffs on me.

21 Q But when they took you outside, they asked
22 you to get on the ground, and you did?

1 A Yes.

2 Q You're not saying someone tackled you, or
3 anything like that?

4 A No.

5 Q You're not saying they punched you, or
6 anything like that?

7 A But they were holding me hard.

8 Q And I understand someone was holding you,
9 but you're not -- you're not saying someone was
10 kicking you or punching you?

11 A Not punching, but pinning me down,
12 basically.

13 Q Okay. How many police officers were on
14 the scene outside of your house?

15 A A lot.

16 Q Okay. Can you explain what you mean by "a
17 lot."

18 A I know they had two helicopters out there
19 and 15 cop cars out there. And they had the whole
20 street blocked off.

21 Q They actually blocked off Lexington
22 Street?

1 A Yeah. Well, they just blocked off where I
2 marked, to the corner.

3 Q So take a look for me at Exhibit 1, and
4 tell me -- you just said where you marked at. So
5 I want to know which mark you're referring to on
6 Exhibit 1.

7 A From the "A" -- well, from my house, they
8 had it blocked off to the corner of Stricker and
9 Lexington.

10 Q Let me see.

11 A My house is "C," that's C -- I mean "A."
12 Where I marked the first time, where you told me
13 to mark the first time.

14 Q So between "A," and what's the other?

15 A "B."

16 Q "A," and "B"?

17 A Yeah.

18 Q Okay. So helicopters, you said the police
19 cars.

20 If you answered it, I apologize: How many
21 police do you think there were outside your house?

22 A I would say, like, 20 or 25. It was lot

1 of them. Twenty or 25. It was a lot of them.

2 Q Were there other people, not police, not
3 you, outside?

4 A Yeah, the people that were at the
5 basketball court, once they blocked the street off
6 and two helicopters, everybody started coming
7 around the corner.

8 Q Do you know any of those people?

9 A No.

10 Q Where is the basketball court, by the way?

11 You don't have to mark it, you can just
12 tell me.

13 A Right here (indicating). Where that green
14 mark is at. Right there.

15 Q Can you -- let me see.

16 (Documents passed.)

17 Q Oh, that mark either says, Vincent Street
18 Park, or MLK Rec Center. That green mark.

19 A Vincent Street Park.

20 Q "Vincent Street Park."

21 A Yeah, that little gray spot is the
22 basketball court.

1 Q How many nonpolice officers did you see
2 outside your house?

3 A The people that was outside running around
4 the neighborhood, a lot of them. Like 50 people
5 -- more than that. Like 50 or 60 people right
6 there.

7 Q Did you know any of them?

8 A No.

9 Q What about any of your relatives, were
10 they outside?

11 A No. They were in the house with me, and
12 that was it. My other relative was my mother.

13 Q Okay. So let me step back. Your brother
14 is Demetri?

15 A Yes.

16 Q And you told me earlier -- or you started
17 to tell me earlier he was cursing at the police?

18 A Yes.

19 Q And what happened to him?

20 Well, let me ask: Did you see what
21 happened to your brother?

22 A Yes.

1 Q Okay. What happened to your brother?

2 A They took him outside and put him in
3 cuffs; and Shalip as well.

4 Q Do you know who took -- it was a police
5 officer that took him outside; is that fair?

6 A Yes.

7 Q Do you know who the police officer was?

8 A No.

9 Q Can you describe the police officer.

10 A It was, like, a police officer.

11 Q Was it one of the five people that was
12 inside?

13 A Yes.

14 Q Took him outside and put him in cuffs?

15 A Yes.

16 Q Did you see anything else?

17 A No. After we all got put in cuffs, we
18 were all outside together. But I was on the
19 ground, and they were standing?

20 Q They were "standing"?

21 A Yeah. "Yes."

22 Q Okay. Thank you. And so what did you see

1 with Mr. Fulton and the police? That's a really
2 bad question.

3 Did you see Mr. Fulton being taken out of
4 the house?

5 A Yes.

6 Q All right. Where were you?

7 A I was on the ground.

8 Q You were on the ground?

9 A Yeah. As they were coming out, I was on
10 the ground. And they were getting him in the
11 cuffs, and brung him out. Once they brung my
12 brother out, they had grabbed me and him together
13 and put both of us in the paddy wagon.

14 Q When you got on the ground, which way were
15 you facing?

16 A I was facing this way (indicating).

17 Q So the record is clear, were you facing
18 your house, or were you facing Lexington Street?

19 A I was facing -- I was facing Lexington
20 Street.

21 Q You were facing Lexington Street?

22 A Yes.

1 Q If you were facing Lexington Street, how
2 did you see -- you came out before Mr. Fulton or
3 your brother, Demetri?

4 A Yes.

5 Q If you were facing Lexington, how were you
6 able to see them come out?

7 A Because I was right in front of my door,
8 and I was -- my head was on the ground and I was
9 flat on my stomach. I glanced at my door.

10 Q You were right outside your door.

11 Did they walk past you or something?

12 A No, they were standing right there.
13 Because they had the street blocked off, so once
14 they come out of the house, they were standing
15 right there, and I was still on the ground.

16 Q So they were standing in front of you?

17 A Yes, with the other officers holding them
18 right there.

19 Q All right. So you saw the officers
20 standing in front of you, and you saw them cuffed?

21 A Yes.

22 Q And they weren't fighting, or anything

1 like that?

2 A No.

3 Q And that's your brother, Demetri, and
4 Mr. Fulton?

5 A Yes.

6 Q All right. Did you talk to the officers,
7 at all, while you were on the ground?

8 A No.

9 Q Did they say anything to you while you
10 were on the ground?

11 A Yes; I don't remember, but they were
12 saying something to me.

13 Q What did they say?

14 A I don't know.

15 Q Did you say anything in response?

16 A No.

17 Q What about, were you were able to see your
18 brother, Demetri, or Mr. Fulton; were they talking
19 to the police?

20 A Shalip was on the phone, asking for their
21 bosses, because he worked for the state attorney;
22 so he was talking to one of the sergeants.

1 Q He worked for the state's attorney at the
2 time of the incident?

3 A He worked for the city council at that
4 time, I think Nick Mosby.

5 Q And who was he talking to; do you know?

6 A He was speaking to another officer.

7 Q Did you overhear any of his conversation?

8 A No.

9 Q How far away was Mr. Fulton from you?

10 A Directly in front of the door.

11 Q I don't know the door, so can you tell me
12 how many feet that is.

13 A One feet. I was directly right in front
14 of my door.

15 Q So he's a foot away from you, but you
16 couldn't hear what he was saying?

17 A No.

18 Q How about your brother; what was your
19 brother doing?

20 A He was standing.

21 Q Did you hear him say anything?

22 A No.

1 Q Or do anything?

2 A No.

3 Q Did you hear anyone talking to him?

4 A No.

5 Q And how long was it before a transport
6 vehicle came; do you know?

7 A No.

8 Q You said your mother -- did your mother
9 come home?

10 A Yes, she came home. She came home while
11 the scene was going on.

12 Q Was anybody else outside with your mother?

13 A My uncle and my sister, I think.

14 Q Who is your uncle?

15 A Tayvon Davis [ph].

16 Q Where did Mr. Davis live at this point?

17 A He was back and forth, so I don't really
18 know.

19 Q He was back and forth?

20 A Yes.

21 Q Was he ever living at 1511?

22 A No.

1 Q Do you know where he was -- okay. Strike
2 that.

3 So your mother was with your uncle and who
4 else?

5 A I think my sister; my older sister,
6 Kiara Fulton.

7 Q Anyone else?

8 A No.

9 Q Where was your mother standing in relation
10 to you?

11 A She was behind. When she pulled up on the
12 scene, she was being me.

13 Q She was "behind you." That would make her
14 closer to your house, right?

15 A No, closer to the street.

16 Q Closer to the street?

17 A Closer to Stricker.

18 Q "Closer to Stricker"?

19 A Yes.

20 Q I don't understand what you mean.

21 A She was behind me. I was in front of my
22 house and she was a couple doors down, by

1 Stricker, because she pulled up and got out of the
2 car right there (indicating). My mother was right
3 where that "B," is at.

4 Q Your mother was right near that "B"?

5 A Yeah. She asked what was going on.

6 Q And you were outside your front door?

7 A Yes.

8 Q And so it's your mother, your uncle, and
9 your sister were standing together?

10 A Yes.

11 Q So you were able to see them?

12 A Yes.

13 Q Even when you were on the ground?

14 A Yes, at that time, they finally got me up.

15 Q Were you able to see them when you were on
16 the ground?

17 A Yeah.

18 Q And, in answer to that, when I asked that
19 question, you said something else. They got you
20 up -- what were you saying?

21 A When they got me up, I could see them.
22 But when I got up, I could finally see a good

1 picture.

2 Q I'm going to ask my question again,
3 because I didn't understand your answer. So I
4 apologize. I know you answered, but I'm trying to
5 understand.

6 When you were on the ground, could you see
7 your mother?

8 A Yes.

9 Q And when you got up, it was easier to see
10 her?

11 A Yes.

12 Q Is that what you were saying?

13 A Yes.

14 Q When you were on the ground, did you say
15 anything to your mother?

16 A No.

17 Q Did your mom say anything to you?

18 A No.

19 Q How about the other people she was with,
20 your uncle or sister, did they say anything to
21 you?

22 A No.

1 Q Did you say anything to them?

2 A No.

3 Q Were either of the three of them saying
4 anything to the officers?

5 A Yes.

6 Q What were they saying?

7 A They were asking the same questions, they
8 asked what was going on.

9 Q And did you hear any of the officers'
10 responses?

11 A No.

12 Q Do you know whether they responded?

13 A Yes.

14 Q So they did respond?

15 A Yes.

16 Q You just don't know what they said?

17 A No.

18 Q In this litigation, you sued a
19 Detective Sentz. Can you tell me anything about
20 Detective Sentz?

21 A No.

22 Q Do you know whether Detective Sentz was

1 ever at 1511 West Lexington Street on the day of
2 the incident?

3 A Yes.

4 Q When?

5 A On the scene.

6 Q I'm sorry, I can't hear you.

7 A During the accident.

8 Q How do you know he was there during the
9 accident?

10 A I remember the names. I just don't
11 remember their faces.

12 Q Right. How do you --

13 MR. RADNER: Can you speak up, please. I
14 couldn't hear you.

15 THE WITNESS: I just don't know any of
16 their faces.

17 MR. JEFFRIES: Could you hear?

18 MR. RADNER: Yeah, thank you.

19 THE WITNESS: I don't remember their
20 faces.

21 BY MR. JEFFRIES:

22 Q What did Detective Sentz do?

1 A I don't know which cop grabbed me, but I
2 know one of the three cops grabbed me.

3 Q One of the three?

4 A Yes.

5 Q You don't know which one?

6 A No.

7 Q When was Detective Sentz at 1511; do you
8 know?

9 A During the accident.

10 Q When did he arrive there?

11 A He was one of the first cops on the scene.

12 Q How do you know that?

13 A Can we come back to that question?

14 Q No. How do you know?

15 A I don't know.

16 Q Okay. How about Officer Perry, what did
17 Officer Perry do?

18 A I don't know.

19 Q Do you know whether he was ever at 1511?

20 A I don't know.

21 Q How about Officer Van Curan; what did
22 Officer Van Curan do?

1 A I don't know.

2 Q Do you know whether he was ever at 1511?

3 A I don't know.

4 Q You don't know?

5 A I don't know.

6 Q And for all of these questions -- I can
7 re-ask, but for all of these questions, I'm not
8 asking, ever, just generally, I mean, on the day
9 of the incident, okay?

10 A Okay.

11 Q Does that change any of your answers?

12 A Say that one more time.

13 Q Does that change any of your answers?

14 A Before that.

15 Q For the series of questions I just
16 asked --

17 A You said you were going to ask me again,
18 and you said something about the date.

19 Q For the series of questions that I just
20 asked you, I asked if you knew whether
21 Detective Sentz, Officer Perry, or
22 Officer Van Curan was ever at 1511 West Lexington

1 Street. And what I'm saying was, when I asked the
2 question, I meant on the day of the incident, not
3 any other date or any other time during the year.

4 Does that change your answers to my
5 questions at all?

6 A No.

7 Q Okay. Are there any pictures related to
8 this incident than you're aware off?

9 A Yeah, my mother took pictures, but I don't
10 know where they at.

11 Q Any others?

12 A No.

13 Q How about any video?

14 A No.

15 Q Did you ask for medical attention on the
16 scene?

17 A No.

18 Q Were you complaining of any injuries on
19 the scene?

20 A My rib and my wrist.

21 Q I'm sorry, I couldn't hear you.

22 A My rib area and my wrist.

1 Q Your "rib area"?

2 A The right side, on the rib.

3 Q And which wrist?

4 A I think it was my right one.

5 Q "Right"?

6 A Yeah, both of them have been broke before,
7 so I don't know.

8 Q I'm sorry, I couldn't hear you.

9 A I messed both of them up before, so I
10 don't know. I think it was the right, though.

11 Q You said you've injured both of them
12 before?

13 A Yeah, but I think it was the right one.

14 Q How have you injured them before?

15 A Football.

16 Q What did you do?

17 A Fell. I fell and landed on my hand and
18 broke it.

19 Q Okay. What happened to your -- let's
20 start with your left wrist. What injuries have
21 you had to your left wrist?

22 A I had a fracture on my pinky and my bone

1 split apart.

2 Q I heard you say a fracture to your left
3 pinky and a bone something?

4 A A bone shifted apart.

5 Q In your wrist, or in your left hand?

6 A Like right here (indicating).

7 Q So you're indicating an injury to between
8 the bone in your hand between your pinky and
9 left --

10 A It was all right here. All of this was
11 missed up (indicating).

12 Q Did you injure your left wrist?

13 A Yes.

14 Q And when did that occur?

15 A 2014.

16 Q "2014"?

17 A Yes.

18 Q When, in 2014? Approximately when, in
19 2014?

20 A I think, like, May.

21 Q "May"? Okay.

22 A Around that time.

1 Q And you were playing football?

2 A Yes.

3 Q And what about your right wrist. Had you
4 injured it before August of 2014?

5 A No.

6 Q Since?

7 A No.

8 Q If we're talking about the correct wrist,
9 correct?

10 A Yes.

11 Q The injury that you're talking about to
12 your pinky and your wrist, did that resolve itself
13 eventually?

14 A What?

15 Q Did you get medical treatment?

16 A Yes. I had a cast on my arm.

17 Q You had a cast on it for your pinky?

18 A Yes.

19 Q And for how long were you in a cast?

20 A For a couple of weeks.

21 Q "A couple weeks"?

22 A A few weeks.

1 Q What was the injury -- as a result of this
2 incident, what was the injury that you were
3 complaining about to your wrist?

4 A It hurt.

5 Q "It hurt"?

6 A Yes. Because the cuff was tight.

7 Q It hurt from the cuffs?

8 A Yes.

9 Q And you said the right side of your ribs,
10 I think, is what you told me?

11 A Yeah. I had a bruise on my rib.

12 Q From what; do you know?

13 A The incident. From being pinned down on
14 the ground.

15 Q From being pinned down on the ground?

16 A Yes.

17 Q I don't think you testified that anybody
18 was on your back, though, so do you know how you
19 got the bruise?

20 A I did. I had one -- I had injured my rib.

21 Q How -- strike that.

22 How did you injure that area?

1 A From being on the ground.

2 Q Okay. I don't think -- when I asked you,
3 I think you testified that someone was holding
4 your feet, correct?

5 A Yes.

6 Q And you testified someone had a hand on
7 your neck area, correct?

8 A Correct.

9 Q Was that it? There wasn't anybody else on
10 you?

11 A That was it.

12 Q And nobody kicked you or punched you or
13 anything like that?

14 A No.

15 Q Okay. But did you -- it's your testimony
16 you injured your ribs during that?

17 A Yes.

18 Q Any other injuries that you complained of
19 at the scene?

20 A No.

21 Q Cuts, bumps, scrapes, bumps, bruises,
22 anything?

1 A No.

2 Q All right. And you were asked if you
3 needed medical attention, correct?

4 A Yes.

5 Q And you said -- what did you say?

6 A No.

7 Q You were asked on the scene, correct?

8 A Yes.

9 Q You said a "yes"?

10 A "Yes."

11 Q You went -- where did you go, from
12 1511 West Lexington Street, to...?

13 A Bookings. I don't know the correct name
14 for it, but they took me downtown.

15 Q How long were you there?

16 A Four hours, four to five hours.

17 Q Did you speak to anybody while you were
18 there?

19 A The officers that were there.

20 Q Did you have any complaints of pain when
21 you arrived there?

22 A No.

1 Q Was your picture taken when you were
2 there; do you remember?

3 A Yes. Like a mug shot?

4 Q Yes.

5 A Yes.

6 Q Who transported you to booking; do you
7 know?

8 A No.

9 Q But you went in a patrol car?

10 A Yes.

11 Q When you were -- you were released after
12 four or five hours; is that correct?

13 A Yes.

14 Q Were you charged; do you know?

15 A Yes.

16 Q What were you charged with?

17 A I don't remember.

18 Q When you were released, to whom were you
19 released to?

20 A My mother.

21 Q Where were you -- when you were in
22 bookings, where, physically, were you?

1 A In a holding cell.

2 Q "A holding cell"?

3 A Yes.

4 Q Were there other people?

5 A No.

6 Q No other people?

7 A No.

8 Q How long were you in the holding cell?

9 A Four or five hours.

10 Q It was the whole time?

11 A Yes.

12 Q When you were being transported, do you
13 recall the officer talking to you?

14 A Yes.

15 Q What was the officer saying; do you
16 recall?

17 A They were saying they seen me coming from
18 the scene, they said they got my fingerprints.
19 They seen me coming up the alley.

20 Q Which alley?

21 A Can I show you on paper?

22 Q Yes.

1 A It's like a little split in between the
2 alley and houses.

3 Q Okay. In between houses on what street?

4 A West Lexington.

5 Q Is it between Gilmor and Stricker?

6 A Yeah, it's in between Gilmor and Stricker.

7 But it's like -- across from my house, and the
8 alley is across from my house and right here.

9 There's a little side split right there
10 (indicating) you can walk through to get to the
11 back houses.

12 Q Across from your house?

13 A Across the street from my house.

14 Q Okay. Going which direction, towards
15 Gilmor or Stricker?

16 A Gilmor.

17 Q Across the street from your house, so on
18 the even side?

19 A It's two houses down, and there's a little
20 split right there.

21 Q Between the even side houses on Lexington?

22 A Yes.

1 Q And that -- we'll call it an alley.

2 A Yeah.

3 Q Because it goes in which direction?

4 A It goes down -- it's in the middle of
5 Gilmor. I don't see no street right on here,
6 but...

7 Q May I see Exhibit 1.

8 (Documents passed.)

9 Thanks.

10 So running parallel on Exhibit 1 --
11 running parallel to Lexington is Penrose Avenue.
12 Is that the alley that you're talking about?

13 A It's right here (indicating). This is the
14 alley that leads to -- this side alley leads right
15 here (indicating).

16 Q And, to be clear, that is a street that is
17 below where Penrose is marked on Exhibit 1; is
18 that correct?

19 A Yes. And that's Alex's backyard.

20 Q That's Alex's backyard?

21 A Yeah. That's the little split to go to
22 the back of the houses, the alley.

1 Q Okay. Thank you. Do you recall what time
2 it was when you left booking with your mother?

3 A 3:00 in the morning, or 4:00.

4 Q And where did you go?

5 A Johns Hopkins Hospital.

6 Q You went to Hopkins?

7 A Yes.

8 Q And when you went to Johns Hopkins, what
9 were your complaints?

10 A Ribs and my wrist. My ribs and my wrist.

11 Q Okay. Were you treated there?

12 A Yes.

13 Q Do you know what you were diagnosed with,
14 if anything?

15 A No. Nothing.

16 Q All right. Let me ask you a better
17 question: Were you diagnosed as having sustained
18 any injury, when you were at Johns Hopkins?

19 A Say that again.

20 Q Sure. Did anybody at Johns Hopkins
21 diagnose you as having any injury to your wrist?

22 A Yes.

1 Q Okay. What was the injury?

2 A Sprain.

3 Q "Sprain"?

4 A Yes.

5 Q Sprain. And that's just from the
6 handcuffs?

7 A Yes.

8 Q You didn't fall and/or hit it or anything?

9 A No, but they were real tight.

10 Q And what were you -- how were you treated
11 for that sprained wrist?

12 A I don't remember.

13 Q "Don't remember."

14 Did you have a splint, a cast?

15 A It was a splint.

16 Q How long?

17 A I think it was about, like, a month.

18 Q Did you play football in Bluford; is that
19 where you went to school?

20 A I had played for a Pop Warner team.

21 Q Did you play for Pop Warner in the fall?

22 A Yes.

1 Q And you played in September of 2014?

2 A No. I was going to high school at that
3 time.

4 Q Did you play in high school?

5 A Yes, 10th grade year.

6 Q Tenth grade. So you didn't play at all
7 when you were in ninth grade?

8 A No.

9 Q Why not?

10 A The team sucked.

11 (Laughter.)

12 Q I appreciate it.

13 A For real.

14 Q I understand. I understand.

15 MR. JEFFRIES: Off the record.

16 (Discussion off the record.)

17 MR. JEFFRIES: We can go back on.

18 BY MR. JEFFRIES:

19 Q Mr. Kimbrough, there was no medical reason
20 you did not play football in the fall of 2014,
21 correct?

22 A Yes.

1 Q Did you play football out of school in the
2 fall of 2014?

3 A No.

4 Q Was your wrist better after the time it
5 was in the splint?

6 A Yes.

7 Q Have you had any other problems with your
8 wrist that you're contending that are related to
9 this incident?

10 A No.

11 Q How about your ribs, did you receive any
12 treatment at Johns Hopkins for your ribs?

13 A I didn't even get an x-ray for my ribs.
14 My ribs were bruised a little bit.

15 Q I'm sorry, I heard "x-ray."

16 A X-ray, and they told me my ribs were
17 bruised a little bit.

18 Q Did you get any medication or anything?

19 A No.

20 Q How about for your wrist; did you get any
21 medication?

22 A No.

1 Q I'm assuming your ribs healed?

2 A Yes.

3 Q How long did that take?

4 A A couple week.

5 Q A few weeks?

6 A Yeah.

7 Q When did you -- is it fair to say they
8 were healed by Labor Day?

9 A A little bit after.

10 Q "A little bit after"?

11 A Yes.

12 Q Are you -- you're not claiming that you
13 are still experiencing any problems, physically,
14 relating to this incident now, are you?

15 A No.

16 Q Okay. You don't remember what you were
17 charged with, you said, but what happened to those
18 charges; do you know?

19 A They got dropped.

20 Q When?

21 A When I went to court on August 21st.

22 Q You went to court August 21st of --

1 A My birthday.

2 Q -- of what year? I'm sorry.

3 A 2014.

4 Q And what happened?

5 A They didn't show up.

6 Q Who didn't show up?

7 A The officers.

8 Q Who told you that?

9 A The judge told me, If they don't come in a
10 certain amount of time, it don't go on your
11 record.

12 Q Do you remember the judge's name?

13 A No.

14 Q So it is your recollection that the
15 charges were dropped on August 21st of '14?

16 A Yes. They said it was no longer going to
17 be on my record.

18 Q And that's because the officers didn't
19 show up; is that what you're saying?

20 A Yes.

21 Q Okay. Other than the injury that we've
22 already talked about with your wrist and your rib,

1 are you claiming any other physical injuries as a
2 result of this incident?

3 A No.

4 Q Are you claiming anything else happened to
5 you as a result of this incident?

6 A No.

7 Q Is there any other injuries, physical or
8 mental, anything, that you're claiming as a result
9 of this incident?

10 A No.

11 Q Forgive me if I asked you this, had you
12 had any prior injury to your -- whichever wrist it
13 was that you hurt?

14 A Like, recently?

15 Q I'm sorry. Before August of 2014, had you
16 had any injury to the wrist that you said you
17 hurt?

18 A No.

19 Q What position did you play in football?

20 A I was playing defense. Defensive end.

21 Q You testified you went to Johns Hopkins?

22 A Yes.

1 Q I'm assuming you were there for a few
2 hours?

3 A Yes.

4 Q Have you been -- have you treated in any
5 other hospital for any other physical injuries in
6 the course of your life; do you remember?

7 A No.

8 Q Did you go to Johns Hopkins when you hurt
9 your pinky?

10 A Yes.

11 Q And that was also in 2014; is that right?

12 A Yes.

13 Q Did you seek any other treatment for your
14 wrist that you injured in this incident?

15 A No.

16 Q Or your rib?

17 A No. I just went to therapy.

18 Q I'm sorry?

19 A I went to therapy.

20 Q You went to therapy?

21 A Yes.

22 Q Where did you go to therapy?

1 A I don't remember.

2 Q And which wrist were you going to have
3 therapy for?

4 A My right one.

5 Q Did you go to therapy when you injured
6 your pinky?

7 A No. I went to therapy for both my ribs.

8 Q You went to therapy -- what did you do in
9 therapy for your ribs?

10 A They had the little heating pad for my
11 ribs.

12 Q Heating pad -- I'm sorry, had you finished
13 your answer?

14 A No.

15 Q Go ahead.

16 A They put something like -- they had a
17 heating pad on my ribs, and had me squeeze a
18 little ball in my hands.

19 Q How many times did you go to therapy for
20 your ribs?

21 A I went, like, twice a week.

22 Q For how long?

1 A For a month.

2 Q For a month. And how about for your
3 wrist?

4 A Same thing.

5 Q Can you tell me where the therapy place
6 was?

7 A I think it was downtown -- no. I don't
8 remember. I don't remember.

9 Q Do you remember the names of any of the
10 therapists?

11 A No.

12 Q Any other treatment?

13 A No.

14 Q Are you having any pain in your wrist or
15 ribs now?

16 A No.

17 Q Did it all resolved pretty quickly?

18 A Yes.

19 Q And you're not contending that there are
20 things you could do before the incident that you
21 can't do now, right?

22 A No.

1 Q When did you -- you lived at 7825 Foxfarm
2 Lane; is that right?

3 A Correct.

4 Q When did you live there?

5 A I stayed there; I lived there in 2018.

6 Q 2018?

7 A After I grew up from Pratt, I moved there.

8 Q So I have that you lived at 1603 West
9 Pratt, correct?

10 A Yes.

11 Q And 1511 West Lexington, correct?

12 A Yes.

13 Q 7825 Foxfarm Lane, Glen Burnie?

14 A Yes.

15 Q 2155 Peters Creek Parkway [ph]?

16 A Yes.

17 Q When did you live there?

18 A 2018.

19 Q I'm finishing up, so I'm jumping around a
20 bit in my questions.

21 A Okay.

22 Q You said that you saw -- you were on

1 Lexington near Stricker, and you saw that Dodge
2 turn left and you walked back to your house.

3 A Yes.

4 Q Why were you going back to your house?

5 A I was ready to go in the house.

6 Q You were going in the house?

7 A Yes.

8 Q Do you remember what you were going to
9 get?

10 A I was going to get something out of the
11 refrigerator.

12 Q Something out -- okay.

13 Now, no officer slammed you on the ground,
14 right?

15 A No.

16 Q "No," they didn't?

17 A "No."

18 Q No one was smashing your face into the
19 ground or anything?

20 A No.

21 Q Do you know why your brother and
22 Mr. Fulton were not arrested?

1 A No, but I know they said I was driving and
2 they were the two passengers in the car.

3 Q Who was saying you were driving?

4 A The officers. I don't know which officer,
5 but I know.

6 Q When an officer said that to you, where
7 were you?

8 A On the ground and on the floor -- I mean,
9 on the ground and in the patrol car.

10 Q "The patrol car"?

11 A Yeah.

12 Q Have you seen any of your medical bills
13 from Johns Hopkins?

14 A Say that again.

15 Q Sorry. Have you seen any of your medical
16 bills from Johns Hopkins, related to this
17 incident?

18 A No.

19 Q Do you know how much they are?

20 A No.

21 Q Are there any other damages you're seeking
22 as a result of this lawsuit?

1 A No.

2 MR. RADNER: Form and foundation.

3 BY MR. JEFFRIES:

4 Q Do you understand what damages you are
5 seeking in this lawsuit?

6 MR. RADNER: Form and foundation.

7 A No.

8 Q "No," you don't?

9 A "No." "No."

10 Q You're saying you were physically injured,
11 right?

12 A Right.

13 Q And you told me the physical injuries?

14 A Yes.

15 Q Any other injuries?

16 A No.

17 Q Any emotional injuries or anything like
18 that?

19 A No.

20 MR. RADNER: Form and foundation.

21 BY MR. JEFFRIES:

22 Q You're not suffering from any stress or

1 anxiety now, are you?

2 MR. RADNER: Foundation.

3 A Stress.

4 Q Stress related to what?

5 A Life.

6 Q "Life"?

7 A Uh-huh.

8 Q Aside from -- okay. What do you mean by
9 that?

10 A Like, life is real hard right now.

11 Q How so?

12 A Work.

13 Q But nothing having anything to do with
14 this incident, though, right?

15 A No.

16 Q Any anxiety related -- that you're saying
17 is related to this incident?

18 A No.

19 Q Do you have any fear of police that you're
20 saying is related to this incident?

21 A Somewhat.

22 Q Explain that.

1 A Not really, but sometimes.

2 Q "Not really, but sometimes"; is that what
3 you're saying?

4 A Yes.

5 Q Okay. What do you mean?

6 A No.

7 Q "No," you're not?

8 A No.

9 Q Were you born in Baltimore?

10 A Yes.

11 Q Okay. Did you receive, or did your mother
12 receive, any documents from the court when you
13 appeared in August of 2014; do you know?

14 A No.

15 Q You don't know, or, "No," she didn't?

16 A I don't know.

17 Q Did you receive any documents?

18 A No. Not that I remember.

19 Q So you never saw a vehicle following
20 behind that Dodge vehicle, correct?

21 A No.

22 Q Nobody jabbed their knees -- no officer

1 jabbed their knees into your back, correct?

2 A No.

3 Q "No," they didn't?

4 A No.

5 Q No officer punched you?

6 A No.

7 Q Do you know David Smith?

8 A "David Smith"?

9 Q Yes.

10 A No.

11 Q And just to be clear, you don't -- you're
12 not aware of anything that Detective Sentz, in
13 particular, ever said to you, correct?

14 A No, none of the officers.

15 Q "None" of them, so the same for Mr. Perry?

16 A Yes.

17 Q And the same for Officer Van Curan?

18 A Yes.

19 MR. JEFFRIES: We can go off the record.

20 Let's take five.

21 (A recess was taken.)

22 (Back on the record at 4:13 p.m.)

1 BY MR. JEFFRIES:

2 Q Mr. Kimbrough, I was able to get some of
3 your records from your counsel, from
4 Johns Hopkins, so I'm going to ask you some
5 questions about those and clean up where I was.
6 Okay?

7 Do you know -- you didn't have a watch on
8 at the time of the incident, right?

9 A No.

10 Q I'm just curious. You thought you were on
11 the ground for half an hour; is that what you
12 said?

13 A (Nods head up and down.)

14 Q How did you know -- how did you measure
15 the time?

16 A I was sitting there for a minute.

17 Q You just remember it being a while?

18 A Yes.

19 Q Do you know how long you were there
20 though?

21 A No.

22 Q You don't, specifically, remember?

1 A No.

2 Q But it felt like a while?

3 A Yes.

4 Q You were on the ground until the transport
5 wagon came?

6 A A little bit after.

7 Q "A little bit after"?

8 A Yes.

9 Q Okay. You said you went from booking to
10 -- did you go straight to Johns Hopkins?

11 A Yes.

12 Q "Yes"?

13 A "Yes."

14 Q And we were talking about injuries, prior
15 injuries, to your wrist, and it was your left you
16 told me you had a prior injury to; is that
17 correct?

18 A Yes.

19 Q All right. Do you recall injuring your
20 left wrist in this incident?

21 A Yes.

22 Q Do you recall complaining about pain in

1 your left wrist?

2 A No.

3 Q Do you remember complaining of pain in
4 your jaw or mouth?

5 A No.

6 Q How about your right knee?

7 A No.

8 Q And I heard your testimony, you weren't
9 knocked to the ground or anything?

10 A No.

11 Q And you weren't chased by anyone, correct?

12 A No.

13 Q Forgive me, I'm reading through this as
14 I'm asking you.

15 A Okay.

16 Q In 2014, did you have a regular physician
17 that you went to see?

18 A No, I don't remember.

19 Q You "don't remember"?

20 A I don't remember.

21 Q Do you know whether you saw a pediatrician
22 when you were that age?

1 A I don't remember.

2 Q Have you told me everything, to your
3 recollection, the police officers did to you
4 physically?

5 A Yes.

6 Q And you told me about every complaint of
7 pain that you had?

8 A Yes.

9 Q Any bruising and scrapes, anything like
10 that?

11 A Yes.

12 Q You did have that?

13 A No.

14 Q You didn't?

15 A No.

16 Q Do you remember -- you said you had some
17 therapy after the incident. Do you remember who
18 prescribed that therapy for you?

19 A No.

20 Q Do you remember where the person was?

21 A No.

22 Q Do you remember going to see -- after you

1 left Johns Hopkins in August, whatever date, do
2 you remember going to see another doctor about
3 your injury?

4 A No.

5 Q When did you do the therapy; do you
6 remember?

7 A I don't remember none of that stuff. It
8 happened so long ago, so I don't remember.

9 Q Did you do it before you returned to
10 school?

11 A Yeah, I think so. I think I was going to
12 school. I don't remember though. It's been so
13 long, I don't remember.

14 Q And I know it was a long time ago, but you
15 remember it happened to you, right?

16 A Yes.

17 Q And you told me --

18 A Yes.

19 Q -- you told me all of your injuries?

20 A Yes.

21 Q And you told me about that?

22 A Yes.

1 MR. JEFFRIES: Thank you for your time,
2 sir. Those are my questions.

3 MR. RADNER: I have just some very brief
4 follow-up.

5 EXAMINATION

6 BY MR. SOLOMON M. RADNER:

7 Q What were the results of the criminal
8 charges; do you remember?

9 A No. No.

10 Q Did you have -- did you plead guilty or no
11 contest to anything?

12 A I don't remember.

13 Q Were you on probation; do you remember
14 that?

15 A No. I remember when I went to court,
16 before I went to court, I went to see some lady, I
17 think on the same day I got out. She told me I
18 had court on my birthday, and when I went to
19 court, I was in court. I got there and showed up,
20 and the judge said, In 15 minutes, if neither one
21 of the officers shows up, this will no longer be
22 on your record and this will be cleared from off

1 the books. So that was it and I left court.

2 Q So there was just that one time, no
3 officers showed up, and you never went back to
4 court after that?

5 A No. No.

6 Q And you said that was on your birthday?

7 A Yes.

8 Q When's your birthday?

9 A Fifteenth birthday, August 21st, 1999.

10 Q Well, happy late birthday.

11 A Thank you.

12 MR. RADNER: I'm only a few weeks late.

13 Thank you for your time. I appreciate it.

14 MR. JEFFRIES: You're done. Except -- I'm
15 sorry.

16 MR. RADNER: We're going to read and sign.

17 MR. JEFFRIES: Standing order.

18 MR. RADNER: PDF for me, please.

19 (Concluded at 4:21 p.m.)

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ACKNOWLEDGMENT OF DEPONENT

I, DARIUS KIMBROUGH, do hereby acknowledge
that I have read and examined the foregoing
testimony and the same is a true, correct, and
complete transcription of the testimony given by
me and any corrections appear on the attached
errata sheet signed by me.

(SIGNATURE)

(DATE)

1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2
3 I, Deborah Pearce, the officer before whom the
4 foregoing deposition was taken, do hereby certify
5 that the foregoing transcript is a true
6 and correct record of the testimony given; that
7 said testimony was taken by me stenographically
8 and thereafter reduced to typewriting under my
9 supervision; that reading and signing was
10 requested; and that I am neither counsel for,
11 related to, nor employed by any of the parties to
12 this case and have no interest, financial or
13 otherwise, in its outcome.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 and affixed my notarial seal this 17th day of
16 September, 2020.

17 
18

19 DEBORAH J. PEARCE, Notary Public
20 State of Maryland
21 My commission expires 8-19-2023
22 Commonwealth of Virginia
My commission expires 8-31-2023

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